IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4545 OF 2004

Mujibur Rehman Abdul Ganikhan ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri Subhash Jha i/by Law Global for Applicant.
Shri D.R. More, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : 27.10.2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

. Even accepting the prosecution case as it is, it appears that the deceased was assaulted mercilessly. In so far as the Applicant is concerned, he appeared on the scene after he was informed about the custody of the deceased and the applicant is stated to have given two fist blows. There is nothing to suggest that any dangerous weapon was used. Be that as it may, the other accused who have mercilessly assaulted the deceased, have already been released on bail. The investigation is complete and

chargesheet has been filed. Taking totality of the circumstances into account, to my mind the applicant deserves to be enlarged on bail on strict conditions as under :-

> The Applicant be released on bail in connection with C.R.No. 173/2004, registered with L.T. Marg Police Station, on executing personal bond in the sum of Rs. 50,000/- (Rs. Fifty thousand only) with one or two local sureties in the like amount.
>
> The applicant shall not enter the jurisdiction of L.T. Marg Police Station during the pendency of the trial.
>
> The Applicant shall inform his place of residence to the investigating officer as well as to the trial court within one week from the date of his release. Besides, the applicant shall regularly report to the nearest Police Station, where he intends to reside, on every Saturday between 10 a.m. to 1 p.m.
>
> The Applicant shall extend full co-operation

for early disposal of the trial. If the trial court is of the opinion that the applicant is responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

. Order accordingly.

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